

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HIGH ASSOCIATES, LIMITED, MCS-  
LANCASTER DE HOLDING, L.P., HIGH  
FAMILY PARTNERSHIP I, L.P., HIGH FAMILY  
GENERAL CORPORATION, HIGH-MCS, G.P.,  
LLC, and HIGH REAL ESTATE GROUP, LLC,

Plaintiffs,

v.

ZURICH AMERICAN INSURANCE  
COMPANY,

Defendant.

CIVIL ACTION  
NO. 12-5804

**ORDER**

**AND NOW**, this 16th day of October, 2013, upon consideration of Plaintiffs' Motion for Summary Judgment, Defendant's Motion for Partial Summary Judgment, and the responses thereto, it is hereby **ORDERED** that Plaintiffs' Motion for Summary Judgment is GRANTED in part and DENIED in part, and that Summary Judgment is entered in favor of Plaintiffs as to their claim for the increased costs of design and construction contained in Count I of Plaintiffs' Complaint. It is further ORDERED that Defendant's Motion for Summary Judgment is GRANTED in part and DENIED in part, and that Judgment is entered in favor of Defendant as to Plaintiffs' claim for the cost of filling in the sinkholes contained in Count I of Plaintiffs' Complaint.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
Jeffrey L. Schmehl, J.